IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 5419 of 2006
Date of decision : 12.1.2007.

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Parties Name

Ajay Kumar

..... Petitioner

vs.

Moti Lal Nehru School of Sports, Rai
and others.

.....Respondents

Coram: Hon'ble Mr. Justice S.N. Aggarwal

Present: Sh. R.K. Dahiya, Advocate
for the petitioner.

Sh. S.S. Kharb, Assistant Advocate General,
Haryana

Sh. Jagmohan Ghuman, Advocate for
Sh. Arvind Moudgil, Advocate for respondent No.3

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S.N. Aggarwal, J. (Oral)

Learned counsel for the petitioner submits that the petitioner was the student of 9th class in Moti Lal Nehru School of Sports, Rai and was residing in hostel. However, the respondents vide their letter dated 13.4.2006 weeded out the petitioner from the school without giving any reasons, on the directions from the Sports Authority of India. On this, the petitioner filed a civil suit for injunction against

the respondents. An application for interim stay was also filed. The said application was accepted by the learned trial Court vide order dated 9.5.2006 by which the application of the petitioner was allowed and the respondents were restrained from removing the petitioner from the school till the final decision of this case. The operative part of the order dated 9.5.2006 passed by the learned trial Court reads as under :-

> "Resultantly, this application is hereby allowed and defendants are restrained from removing the plaintiff from the school, on the reasons mentioned in the plaint, till final decision of the case. For clarification again, maximum the defendant can do at this stage, is to withdraw the special facilities given to the plaintiff in the sports category, if the admission of the plaintiff is not found appropriate in the sports category."

The respondents filed an appeal against this order. The learned Lower Appellate Court accepted the appeal and set aside the order passed by the learned trial court and dismissed the application filed by the petitioner.

Hence, the present petition.

The submission of the learned counsel for the petitioner was that the academic year of the student is going to close by 31.3.2007 and therefore, he be permitted to study in the respondent-school with hostel facilities as well.

This submission has been considered. It has no merits at all. The student has been weeded out by the respondent-authorities on

merits and therefore, to permit the petitioner to continue his studies with hostel facilities would amount to interference in the academic affairs of the respondent-school and authorities, which is against the law settled by the Hon'ble Supreme Court.

However, the respondents agree that the petitioner may be permitted to continue with the academic studies only upto 31.3.2007 by staying outside the school premises. Respondents have further stated that the academic session for the year 2006-07 shall come to an end before 31.3.2007.

Accordingly, liberty is granted to the petitioner to continue with the academic studies in the respondent-school upto 31.3.2007, but he will have to make his own arrangements to stay outside.

With these observations, the petition is disposed of.

A copy of the order be given dasti on payment of usual charges.

(S.N.Aggarwal)
Judge

12.1.2007.
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